

U.S. Application No. 10/774,719

Page 5

**REMARKS**

This is in response to the 31 March 2006 office action.

The interview with examiner Fenn C. Matthew on 21 June 2006 is acknowledged with appreciation. The examiner's summary of the interview is accurate as to what transpired at the interview.

The office action objects to claims 11 and 14. Claims 11 and 14 have been amended to overcome the objection to these claims.

Claims 1, 4, 7-10, 12-13, 16 and 18-21 remain cancelled without prejudice or disclaimer of the subject matter therein.

Claims 3, 5, 6, 11, 14, 15, 17, and 22-26 are rejected as unpatentable over Rawlings(U.S. Patent No. 2,035,010) in view of Van Ballegooie (U.S. Patent No. 5,336,151) and Bosch (U.S. Patent No. 4,441,707).

Claims 2 and 22 are rejected as unpatentable over Vernon (U.S. Patent No. 6,659,921) in view of Van Ballegooie.

Claim 22 has been amended to recite the channel slidably engaging the elongated tube and wherein the channel is slidable along substantially the entire length of the tube. For example, applicants' Fig. 1 shows the channel 62 that is free to move along the length of the tube 12. In Rawlings the channel 6 is not slidable along substantially the entire length of the respective elastic strand 5. One would have to destroy Rawlings in order that the channel 6 be able to slide along substantially the entire length of the elastic strand 5. This feature in combination with the other limitations of claim 22 is not taught or suggested by any of Rawlings, Van Ballegooie and Bosch.

Claim 22 has also been amended require means for releasably adjusting to different sizes to engage different portions of a user's body whereby the first end and second end are releasably fastenable in different positions to permit engaging different portions of a user's body. As discussed at the interview none of the prior art of record disclose a adjustable means as recited in claim 22. For example, in Vernon there is no adjustable means extending from the channel as claimed and no adjustable means to engage different portions of a user's body. Vernon discloses a vest engaging one portion of the user's body, not different portions of a user's body.

U.S. Application No. 10/774,719

Page 6

Claim 24 recites handles secured to the tube and a channel such that the channel, engaging member and tube are constructed to permit the channel to move along substantially the entire length of the elongated tube from the first handle to the second handle. This feature in combination with the other limitations of claim 24 are not taught or suggested by any of Rawlings, Van Ballegooie and Bosch. Claim 24 also recites means for releasably adjusting to different sizes to engage which as described above is not taught or suggested by the prior art of record.

Claim 25 recites the channel, engaging member and tube are constructed to permit the channel to move along substantially the entire length of the elongated tube, and wherein the channel is pivotable about the length of the tube passing through the channel. Applicants' disclosure describes the adjustability of the engaging member for engaging the user's body, arm, foot, both feet, etc. As seen in, for example, Fig. 1 the channel is free to move along and about the tube. These features in combination with the other limitations of claim 25 are not taught or suggested by any of Rawlings, Van Ballegooie, Bosch or Vernon.

New dependent claims 27-29 recite the channel is pivotable about the tube. The combination recited in each dependent claim is not taught or suggested by the prior art of record.

Claims 2-3, 5-6, 11, 14-15, 17 and 23 depend, directly or indirectly from one of independent claims 22 and 24 and are allowable for, at least, the same reason(s) as the claim(s) from which they depend.

It is submitted that all of the claims (Nos. 2-3, 5-6, 11, 14-15, 17 and 22-29) are in condition for allowance and entry of the present amendment and allowance of the application is, respectfully, requested.

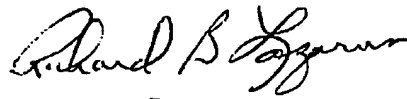
If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

U.S. Application No. 10/774,719

Page 7

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (28022-95505).

Respectfully submitted,  
BARNES & THORNBURG LLP



Richard B. Lazarus  
Reg. No. 48,215  
Tel. No. (202) 371-6348

90600v3 DCDS01